

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TADAHIRO OHMI, HIROSHI MOROKOSHI,
MICHIO YAMAJI, SHIGEAKI TANAKA,
KEIJI HIRAO, YUJI KAWANO,
TAKASHI HIROSE, KOSUKE YOKOYAMA,
MICHIO KURAMOUCHI, MASAYUKI HATANO, and
NOBUKAZU IKEDA

Appeal 2007-1869
Application 09/023,416
Technology Center 3700

Decided: November 7, 2007

Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and
HUBERT C. LORIN, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

The Appellants request reconsideration of our decision mailed August 15, 2007 wherein we affirmed the rejection of claim 1 under 35 U.S.C. § 102(b) over JP 7-286720-A (JP '720) to Itafuti et al.

The Appellants argue that “the concept espoused in JP ‘720 of ‘obtaining a fluid control apparatus by combining only five kinds of on-off devices’ is a completely different technical idea from Appellants’ inventive

steps and the ‘2-type on-off device’ recited in finally rejected claim 1” (Request 1-2). That argument is not persuasive because the Appellants do not explain why the Appellants’ claim 1 does not encompass the JP ‘720 device. As pointed out in our Decision, “[e]ach of the JP ‘720 input shutoff valve 54, purge valve 55 and output shutoff valve 56 is a two port valve (JP ‘720, fig. 3) (what the Appellants’ claim 1 refers to as a 2-type on-off device)” (Decision 4).

The Appellants argue that the JP ‘720 blocks referred to in the statement in our decision, “the JP ‘720 blocks open at their upper surfaces to the valves (JP ‘720, fig. 3)” (Decision 4), are not inlets and outlets of a joint member (Request 2). The Appellants’ claim 1 requires

joint members each containing passages extending entirely internally within the associated joint member and opening in the upper surface thereof to communicate with ports in the bottom faces of said valves and fluid controllers and operatively interconnect said valves and said fluid controllers in selected fluid flow relation.

Considering the JP ‘720 flow control valve/mass flowmeter 53 together with the adjacent upper portions of the attachment blocks (24, 25) (figs. 2, 4, 6) to correspond to the Appellants’ fluid controller, and the JP ‘720 input and output blocks (10, 11) together with the adjacent lower portions of the attachment blocks (24, 25) to correspond to the Appellants’ joint members, the JP ‘720 joint members have entirely internal passages and have openings in their upper surfaces to communicate with ports in the bottom faces of valves (54-56) and the fluid controller and operatively connect them in fluid flow relation (fig. 1) as required by the Appellants’ claim 1.

The Appellants argue, in reliance upon marked up versions of JP ‘720

figure 1 and the Appellants' figure 4, that the JP '720 attachment blocks (24, 25) have openings in their upper and side surfaces, whereas the Appellants' joint members 33 and 34 have inlet and outlet openings in their upper surfaces (Request 3-4). The Appellants' joint member 33 output is to a leftward extension (49) of mass flow controller 3, and the joint member 34 output is to a rightward extension (50) of that mass flow controller (Spec. 22:12-17; fig. 4). Those leftward and rightward extensions are comparable to the upper portions of attachment blocks 24 and 25 in the JP '720 figures 2, 4 and 6. In each of the JP '720 figures 1, 2, 4 and 6, the attachment blocks are shown as having separate upper and lower portions. Considering the lower portions of those attachment blocks, together with the adjacent input and output blocks (10, 11) to correspond to the Appellants' joint members, the joint members' inputs and outputs to the valve and fluid controller are in the upper surfaces of the joint members (JP '720 fig. 1). The Appellants' marked up JP '720 figure 1 shows that the flow input to the input block and the flow output from the output block are on the sides of those blocks.¹ The Appellants' claim 1, however, does not limit the flow into or out of the joint members. That claim limits only the flow between the joint members and the valves and fluid controllers. As pointed out above, the flows between the JP '720 joint members and the valves and fluid controller are in the upper surfaces of the joint members as required by the Appellants' claim 1.

For the above reasons we are not convinced of reversible error in our

¹ The input to the Appellants' joint member 30 also is on the side of that joint member (fig. 4).

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decision. Accordingly, the Appellants' request for rehearing is denied,

REHEARING DENIED

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